

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 16, 1998

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B111239 People (Not for Publication)
v.
Castellanos, et al.

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

[illegible]

The Court:

The judgment of conviction on count 2 and the judgment sentencing appellant to a term of 25 years to life on count 2 are reversed. The judgment of conviction on count 1 is affirmed. The judgment sentencing appellant to a term of 25 years to life on count 1 and staying that sentence pending completion of the sentence on count 2 is modified to lift the order staying execution of that sentence and, as modified, is affirmed. The prosecution may elect to have appellant retried on count 2.

Boren, P.J., Fukuto, J., Zebrowski, J.

July 16, 1998-Continued

DIVISION TWO (Continued)

B112512 People (Not for Publication)

v.
McIntyre, et al.

The judgments are affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

B116366 Crosstalk Productions, Inc. (Certified for Publication)

V.
Jacobson

The judgment of dismissal is reversed with directions to vacate the order sustaining the demurrer without leave to amend and to allow appellants leave to amend. Plaintiffs (appellants) to recover costs on appeal.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

B110830 FSPP (Certified for Partial Publication)

v.
City of Los Angeles

The judgment and order appealed from are affirmed. Each side to bear their own costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

July 16, 1998-Continued

DIVISION THREE

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Goodman, J. (Assigned)

B108042 People v. Nelson (Not for Publication)
B117872 In re John Albert Nelson on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Goodman, J. (Assigned)

B109192 Marci Schwartz (Not for Publication)
v.
James Carrillo

The trial court properly granted summary judgment in favor of Carrillo. The judgment entered in favor of Carrillo is affirmed. Carrillo is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B108945 Joni E. Rutter (Not for Publication)

v.

General Motors Corporation, et al.

The judgment is affirmed. GM is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.

Aldrich, J.

B109186 People (Not for Publication)

v.

Pool

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.

Goodman, J. (Assigned)

B120041 Worthington Industries, Inc. (Not for Publication)

v.

Superior Court, Los Angeles County
(Gary Crystal, et al., r.p.i.)

The Court:

The petition for writ of mandate is granted. Let a peremptory writ of mandate issue directing the respondent court: (1) to vacate the order, entered on March 6, 1998, taking Worthington's motion for summary judgment off calendar; (2) to enter an order setting a date certain for hearing the motion on the merits; and (3) to rule upon the merits of the motion for summary judgment.

The stay orders entered by this court on March 16, 1998, and March 19, 1998, are vacated.

Each party to bear their own costs.

Klein, P.J., Croskey, J., Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Cooper (F.M.), J. (Assigned), and V. Guzman, Deputy Clerk.

B121066 Octavio C.A.
 v.
 Superior Court
 (Dept. of Children and Family Services, r.p.i.)

Merits:
Argued by Michael L. Moore for petitioner and by Stephanie Jo Farrell for real party in interest. Cause submitted.

B111190 People
 v.
 Moore

Merits:
Argued by George L. Schraer for appellant and by April Sylvester, deputy attorney general for respondent. Cause submitted.

B115970 People
 v.
 Owens

Merits:
Argued by Leonard J. Klaif for appellant and by Stephanie Miyoshi, deputy attorney general for respondent. Cause submitted.

B118843 Lowe
B121277 v.
 Superior Court
 (County of Los Angeles, et al., r.p.i.)

Merits:
Argued by Linda Wallace Pate for petitioner and by Peter Stacy for real party in interest County of Los Angeles. Cause submitted.

DIVISION FOUR (Continued)

B109844 People
 v.
 Canady

Merits:
Argued by Charlotte E. Costan for appellant and by Kenneth N. Sokoler,
deputy attorney general for respondent. Cause submitted.

B114452 Pearlson
 v.
 Does 1-646

Merits:
Argued by appellant Gary H. Pearlson in propria persona. Cause
submitted.

Court in recess.

The Court reconvened at 1:30 p.m.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Cooper (F.M.), J. (Assigned), and
V. Guzman, Deputy Clerk.

B107635 Ahuja, et al.
 v.
 Kohli, et al.

Merits:
Argued by Leonard Chaitin for appellants and by Gig Kyriacou for
respondent David Gibson Escrow Co. Cause submitted.

B110306 People
 v.
 Sarile

Merits:
Argued by Otis L. Hubbard, deputy district attorney for appellant and by
Kyle Marie Wesendorf for respondent. Cause submitted.

DIVISION FOUR (Continued)

B111202 People
 v.
 Macias

Merits:

Argued by Jeralyn Keller for appellant and by Thomas C. Hsieh, deputy attorney general for respondent. Cause submitted.

B106580 Suh, et al.
 v.
 Prism Associates, et al.

Merits:

Argued by John C. Vita for appellants and by Jang W. Lee for respondents. Cause submitted.

B104588 Baker-Grant, et al.
 v.
 Southern California IBEW-NECA Pension Plan, et al.

Merits:

Argued by David B. Casselman for appellants and by Rita Gunasekaran for respondents. Cause submitted.

B095688 Ramrhutu Enterprises
B098975 v.
 Glosman Trust

Merits:

Argued by Thomas M. Banks for appellants and by Gregory Crum for respondent Malibu Realty, et al.; Robert J. Shulkin for respondent FSR Brokerage, Inc.; Laurence M. Scharnberger for respondents Architecture West & Hamid Sairafi and by respondent George Lerner in propria persona. Cause submitted.

DIVISION FOUR (Continued)

B112896 Crookall
v.
Davis, Punelli, Keathley & Willard, et al.

Merits:

Argued by Moses Lebovits for appellant and by Richard D. Newman for respondents Davis, et al. and by Christopher A. Kanjo for respondents Harney, Harney & Kallay . Cause submitted.

Each of the following:

B113243 People v. Evans and Boyd
B111166 People v. Cash and Wooten
B113776 People v. Lloyd
B111005 People v. Coddie
B112840 People v. Jeffries
B111132 People v. Davila
B116017 People v. Penaloza
B106999 People v. Gustave
B115161 People v. Gaxiola
B120304 Michele & Steven C. v. Sup. Ct. (D.C.F.S.)
B121646 Heidi & Jesse A. v. Sup. Ct. (D.C.F.S.)
B114811 D.C.F.S. v. Marvin S.
B115700 D.C.F.S. v. Nicole D.
B118610 D.C.F.S. v. Kelly N.
B109546 Olson v. California Franchise Tax Board, et al.
B118005 Plaza Trade Center v. Blusound Electronics, Inc., et al.

Argument waived, cause submitted.

Court Adjourned.

DIVISION FIVE

B115690 Shay S. Salehrabi (Not for Publication)

v.

Barry Josselson etc.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B108550 People (Not for Publication)

v.

Tavira et al.

The judgments are affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Coffee, J.

B118763 State Compensation Insurance Fund (Not for Publication)

v.

Workers' Compensation Appeals Board

That portion of the Board's order denying reconsideration relevant to the finding of liability is annulled. The remainder of the order is affirmed. The matter is remanded for further proceedings. McCarthy's request for fees and costs is denied.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

July 16, 1998-Continued

DIVISION SIX (Continued)

B113481 Chapek (Not for Publication)
v.
Morse et al.

The judgment is affirmed. Costs are awarded to respondents.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B108463 Mission Oaks Ranch, Ltd.
v.
County of Santa Barbara et al.

Filed order certifying opinion for publication. Filed order denying petition for rehearing.

DIVISION SIX (Continued)

B116717 Wideman (Not for Publication)
 v.
 Wideman

The trial court's order denying termination of spousal support is affirmed.
Josephine is awarded her costs on appeal.

Stone, P.J.

We concur: Gilbert, J.
 Coffee, J.

B105878 Battaglia (Rote) (Not for Publication)
 v.
 Battaglia

The judgment is affirmed. Suzan is awarded her costs.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.